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Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects

Report of the First Committee

Rapporteur: Mr. Rastislav **Gabriel** (Slovakia)

I. Introduction

1. The item entitled "Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects" was included in the provisional agenda of the fifty-fifth session of the General Assembly in accordance with Assembly resolution 54/58 of 1 December 1999.

2. At its 9th plenary meeting, on 11 September 2000, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the First Committee.

3. At its 2nd meeting, on 14 September 2000, the First Committee decided to hold a general debate on all disarmament and international security items allocated to it, namely, items 65 to 81, which was held at the 3rd to 13th meetings, from 2 to 13 October (see A/C.1/55/PV.3-13). Thematic discussions on the items were held, and draft resolutions were introduced and considered, at the 14th to 21st meetings, from 13 to 23 October (see A/C.1/55/PV.14-21). Action on all draft resolutions was taken at the 22nd to 28th meetings, from 25 October to 1 November (see A/C.1/55/PV.22-28).

4. For its consideration of the item, the Committee had before it the report of the Secretary-General (A/55/97).

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II. Consideration of draft resolution A/C.1/55/L.50

5. At the 19th meeting, on 20 October, the representative of Sweden, on behalf of Argentina, Australia, Austria, Belgium, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Cambodia, Canada, Colombia, Costa Rica, Croatia, Cyprus, the Czech Republic, Denmark, Ecuador, El Salvador, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Hungary, Iceland, Ireland, Israel, Italy, Japan, Kazakhstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, Mongolia, the Netherlands, New Zealand, Nicaragua, Norway, Panama, Peru, Poland, Portugal, the Republic of Moldova, Romania, the Russian Federation, Slovakia, Slovenia, South Africa, Spain, Sweden, the former Yugoslav Republic of Macedonia, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Uruguay, subsequently joined by Togo and the Philippines, introduced a draft resolution entitled "Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects" (A/C.1/55/L.50).

6. At the 22nd meeting, on 25 October, the Secretary of the Committee drew attention to a note by the Secretariat (A/C.1/55/L.55) concerning the responsibilities entrusted to the Secretary-General under draft resolution A/C.1/55/L.50.

7. At the same meeting, the Committee adopted draft resolution A/C.1/55/L.50 without a vote (see para. 8).

III. Recommendation of the First Committee

8. The First Committee recommends to the General Assembly the adoption of the following draft resolution:

Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects

The General Assembly,

Recalling its resolution 54/58 of 1 December 1999 and previous resolutions referring to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects,[1]

Recalling with satisfaction the adoption, on 10 October 1980, of the Convention, together with the Protocol on Non-Detectable Fragments (Protocol I),[1] the Protocol on Prohibitions or Restrictions on the Use of Mines, Booby Traps and Other Devices (Protocol II)[1] and the Protocol on Prohibitions or Restrictions on the Use of Incendiary Weapons (Protocol III),[1] which entered into force on 2 December 1983,

[1] See *The United Nations Disarmament Yearbook*, vol. 5: 1980 (United Nations publication, Sales No. E.81.IX.4), appendix VII.

Also recalling with satisfaction the adoption by the Review Conference of the States Parties to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, on 13 October 1995 of the Protocol on Blinding Laser Weapons (Protocol IV),[2] and on 3 May 1996 of the amended Protocol on Prohibitions or Restrictions on the Use of Mines, Booby Traps and Other Devices (Protocol II),[3]

Recalling that the States parties at the Review Conference declared their commitment to keeping the provisions of Protocol II under review in order to ensure that the concerns regarding the weapons it covers are addressed, and that they would encourage the efforts of the United Nations and other organizations to address all problems of landmines,

Recalling also the role played by the International Committee of the Red Cross in the elaboration of the Convention and the Protocols thereto,

Welcoming the additional ratifications and acceptances of or accessions to the Convention, as well as the ratifications and acceptances of or accession to amended Protocol II and Protocol IV,

Noting that, in conformity with article 8 of the Convention, conferences may be convened to examine amendments to the Convention or to any of the Protocols thereto, to examine additional protocols concerning other categories of conventional weapons not covered by existing Protocols or to review the scope and application of the Convention and the Protocols thereto and to examine any proposed amendments or additional protocols,

Noting also that, in accordance with article 13 of amended Protocol II, a conference of States parties to that Protocol shall be held annually for the purpose of consultations and cooperation on all issues in relation to the Protocol,

Noting further that the provisional rules of procedure of the First Annual Conference of the States Parties to Amended Protocol II provide for the invitation of States not parties to the Protocol, the International Committee of the Red Cross and interested non-governmental organizations to take part in the Conference,

Welcoming the results of the First Annual Conference of States Parties to Amended Protocol II, held at Geneva from 15 to 17 December 1999,[4]

Commending the efforts of the Secretary-General and the President of the Conference towards the promotion of the goal of universality of amended Protocol II,

Welcoming the holding of an informal meeting of experts of the States parties to amended Protocol II and other interested States at Geneva on 31 May and 2 June 2000, which provided for structured discussion on several items under amended Protocol II,

1. *Calls upon* all States that have not yet done so to take all measures to become parties, as soon as possible, to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to

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[2] CCW/CONF.I/16 (Part I), annex A.

[3] Ibid., annex B.

[4] See CCW/AP.II/CONF.I/2.

Be Excessively Injurious or to Have Indiscriminate Effects[1] and the Protocols thereto, in particular to the amended Protocol on Prohibitions or Restrictions on the Use of Mines, Booby Traps and Other Devices (Protocol II),[3] with a view to achieving the widest possible adherence to this instrument at an early date, and calls upon successor States to take appropriate measures so that ultimately adherence to these instruments will be universal;

2. *Calls upon* States parties to the Convention that have not yet done so to express their consent to be bound by the Protocols to the Convention;

3. *Welcomes* the convening, from 11 to 13 December 2000, of the Second Annual Conference of States Parties to Amended Protocol II, in accordance with article 13 thereof, and calls upon all States parties to amended Protocol II to address at that meeting, inter alia, the issue of holding the third annual conference in 2001;

4. *Recalls* the decision of the States parties to the Convention to convene the next review conference not later than 2001, preceded by a preparatory committee, and recommends that the review conference be held at Geneva in December 2001;

5. *Welcomes* the convening of the first session of the Preparatory Committee for the Review Conference at Geneva on 14 December 2000, and decides to convene the second session from 2 to 6 April 2001 and the third session from 24 to 28 September 2001;

6. *Notes* that, in conformity with article 8 of the Convention, the next review conference may consider any proposal for amendments to the Convention or the Protocols thereto as well as any proposal for additional protocols relating to other categories of conventional weapons not covered by existing Protocols to the Convention;

7. *Requests* the Secretary-General to render the necessary assistance and to provide such services, including summary records, as may be required for the second Review Conference of the States Parties to the Convention and its Preparatory Committee;

8. *Also requests* the Secretary-General, in his capacity as depositary of the Convention and the Protocols thereto, to continue to inform the General Assembly periodically of ratifications and acceptances of and accession to the Convention and the Protocols thereto;

9. *Decides* to include in the provisional agenda of its fifty-sixth session the item entitled "Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects".